

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

John Henry Locklear,	)	
	)	Civil Action No. 5:14-2166-TMC-KDW
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
Mr. Bryan Stirling; Willie E. Eagleton;	)	
Roland McFadden; Ms. Annie Sellers;	)	
Dr. Samuel Soltis; Dr. John McRee;	)	
Michael McCall; Robert E. Ward;	)	
Al Smith; Ms. Fox; Doris Jacques; David	)	
Tatarsky; Marie Leggings; Janice Phillips;	)	
Althea B. Myers; Officer Miles; Nurse	)	
McQueen; Nurse Polson; Nurse Stroke;	)	
Ms. Hunter; Dr. Hughes; Ms. Jeffcoat;	)	
and Christina Kellett Nurse Owens;	)	
Ms. Monroe; Nurse Orange,	)	
	)	
Defendants.	)	
	)	

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Plaintiff, John Henry Locklear, a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Defendant Althea B. Meyers' Motion to Dismiss (ECF No. 33) be granted, and additionally that the action be dismissed with prejudice for failure to prosecute as to Defendants McQueen, and Polson. (ECF No. 77). Plaintiff was advised of his right to file objections to the Report. (ECF No. 77 at 3). However, Plaintiff has not filed any objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-

71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the court adopts the Report (ECF No. 77) and incorporates it herein. Accordingly, Defendant Althea B. Myers’ Motion to Dismiss (ECF No. 33) is **GRANTED**. Further, Plaintiff’s action against Defendants McQueen and Polson is **DISMISSED** with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). *See Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989).

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

January 29, 2015  
Anderson, South Carolina